

Mark A. Hruska (*Pro Hac Vice*)
Florida Bar No. 571954
Pennsylvania Bar No. 22212
THE SCHWARTZ LAW GROUP
6751 No. Federal Highway, #200
Boca Raton, FL 33487
Tel: (561) 395-4747
mah@theschwartzlawgroup.com

Roger H. Bullock, #485
S. Spencer Brown, #13157
STRONG & HANNI
102 South 200 East, Suite 800
Salt Lake City, UT 84111
Tel: (801) 532 -7080
Fax: (801) 596-1508
rbullock@strongandhanni.com
sbrown@strongandhanni.com

Attorneys for Professional Association of Dive Instructors ("PADI")

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

CHRISTOPHER JOSEPH TUVELL,
SHERRY LYNN TUVELL, individually and
as the heirs of David Christopher Tuvell, and
THE ESTATE OF DAVID CHRISTOPHER
TUVELL,

Plaintiffs,

vs.

BOY SCOUTS OF AMERICA,
PROFESSIONAL ASSOCIATION OF DIVE
INSTRUCTORS ("PADI"), BLUE WATER
SCUBA, LOWELL HUBER, CORBETT
DOUGLAS, BEAR LAKE BOY SCOUT
AQUATIC CAMP,

**OBJECTION TO PROPOSED ORDER
SUBMITTED BY BLUE WATER
DEFENDANTS AND SUBMITTAL OF
PROPOSED ORDER BY
PROFESSIONAL ASSOCIATION OF
DIVE INSTRUCTIONS ("PADI")**

Case No.: 1:12-cv-00128

Judge Dee Benson

<p>Defendants.</p> <p>vs.</p> <p>KIM M. LaMOTTE-MALONE, M.D., LaMOTTE PEDIATRICS, LLP, doing business as Anthem Hills Pediatrics, KIM LaMOTTE-MALONE, M.D. PROF CORP., M.P., Minor; MICHAEL PERRY, and BRIAN K. SHRAWDER,</p> <p>Third-Party Defendants.</p>	
--	--

Professional Association of Dive Instructions (“PADI”) objects to the Proposed Order submitted by Defendants Blue Water Scuba of Logan, Lowell Huber and Corbett Douglas (“Blue Water Defendants”) with respect to the April 23, 2014, oral argument and the Court’s ruling. PADI also submits herewith its Proposed Order.

PADI Objects to Blue Water’s Proposed Order because Paragraph 1 of the Proposed Order does not accurately state the grounds stated by the Court in its ruling, and rather, uses language from Blue Water’s memoranda and arguments.

PADI’s Proposed Order retains all the rulings made by the Court but restates them in a form which PADI believes to more accurately state the Court’s ruling.

As a matter of information, the sanctions payment ordered by the Court has now been paid in full.

PADI submitted its Proposed Order to the Blue Water Defendants pursuant to Rule 54-1(b), Rules of Practice, U.S. District Court for the District of Utah, but the parties have not been

able to resolve their differences as to the form of the order and for that reason PADI submits its Proposed Order to the Court for consideration, attached hereto as Exhibit A.

DATED this 6th day of May, 2014.

Mark A. Hruska
THE SCHWARTZ LAW GROUP

Roger H. Bullock
S. Spencer Brown
STRONG & HANNI

/s/ Roger Bullock

ROGER H. BULLOCK
*Attorneys for Professional Association of Dive
Instructors ("PADI")*